

**LATHAM & WATKINS LLP**

885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

*Attorneys for ABN AMRO Bank (Ireland) Ltd.  
(f/k/a Fortis Prime Fund Solutions Bank  
(Ireland) Ltd.) (n/k/a ABN AMRO Retained  
Custodial Services (Ireland) Limited) and  
ABN AMRO Custodial Services (Ireland) Ltd.  
(f/k/a Fortis Prime Fund Solutions Custodial  
Services (Ireland) Ltd.)*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO BANK (IRELAND), LTD, (f/k/a  
FORTIS PRIME FUND SOLUTIONS BANK  
(IRELAND) LIMITED) and

ABN AMRO CUSTODIAL SERVICES (IRELAND),  
LTD (f/k/a FORTIS PRIME FUND SOLUTIONS  
CUSTODIAL SERVICES (IRELAND) LTD.),

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05355 (SMB)

**DECLARATION OF THOMAS J. GIBLIN IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO TRUSTEE'S MOTION FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT**

I, Thomas J. Giblin, hereby declare:

1. I am counsel at the law firm of Latham & Watkins LLP, 885 Third Avenue, New York, New York, 10022, counsel to ABN AMRO Bank (Ireland), Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Ltd.) (“ABN Ireland”) and ABN AMRO Custodial Services (Ireland), Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (“ABN Custodial” and together with ABN Ireland, the “Defendants”).

2. As a member in good standing in this Court and in the Bar of the State of New York, I respectfully submit this Declaration in support of Defendants’ Opposition to the Trustee’s Motion to Amend the Complaint.

3. Attached hereto as Exhibit A is a true and correct copy of the Fortis 2005 Annual Review, referenced by the Trustee in the Proposed Second Amended Complaint (ECF. 165, Ex. A) (“PSAC”) at ¶¶ 224, 228.

4. Attached hereto as Exhibit B is a true and correct copy of the Amended and Restated Confirmation of Interest Swap Transaction between AA Ireland and Rye Select Broad Market XL Fund, LP dated January 30, 2008, referenced by the PSAC at ¶¶ 21-22, 193-214.

5. Attached hereto as Exhibit C is a true and correct copy of the memorandum referenced by the Trustee in the original complaint filed December 8, 2010 regarding “Proposed Limits for PFS Exposure to Bernard Madoff Securities Strategy” dated January 18, 2007, referenced by the Trustee in the Original Complaint (ECF 1) at ¶¶ 91-94, 97. This document was produced designated Confidential and bearing Bates number FPFS E 000009073.

6. Attached hereto as Exhibit D is a true and correct copy of an email regarding the Fortis USA CDS, dated September 20, 2007, referenced by the PSAC at ¶¶ 183-84. This document was produced designated Confidential and bearing Bates number FPFS E 000010166.

7. Attached hereto as Exhibit E is a true and correct copy of the November 2006 credit application for Rye Select Broad Market XL Fund, LP, referenced by the PSAC at ¶¶ 176-77. This document was produced designated Confidential and bearing Bates number FPFS E 000016845.

8. Attached hereto as Exhibit F is a true and correct copy of an email chain beginning August 23, 2003 regarding Harley, referenced by the PSAC at ¶¶ 103-07. This document was produced designated Confidential and bearing Bates number FPFS E 000009362.

9. Attached hereto as Exhibit G is a true and correct copy of an email dated July 26, 2004 regarding excerpts from a compliance committee meeting, referenced by the PSAC at ¶¶ 126-27. This document was produced designated Confidential and bearing Bates number FPFS E 000009372.

10. Attached hereto as Exhibit H is a true and correct copy of the Bahamian Investment Funds Regulation, enacted in 2003, referenced by the Trustee in the PSAC at ¶¶ 99-102.

11. Attached hereto as Exhibit I is a true and correct copy of the Bahamian Mutual Funds Regulations, enacted in 1995.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Executed this 23<sup>rd</sup> day of April, 2019 in New York, New York.

/s/ Thomas J. Giblin  
Thomas J. Giblin